



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 12, 1998

Ms. Kristi A. Taylor
Assistant City Attorney
Neiman & Barnes, L.L.P.
386 W. Main
Lewisville, Texas 75067

OR98-2680

Dear Ms. Taylor:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119428.

The City of Lewisville Police Department received a request for "all public information on offense # 98-8286." With the exception of "first page" offense report information specifically made public in *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), you seek to withhold the requested information under section 552.108 of the Government Code.

Section 552.108(a)(1) excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

You indicate that the incident to which the requested information relates is the subject of an active investigation and that "this offense is pending trial." Based on your representations, we conclude that, with the exception of first page offense information, which you must release, you may withhold the requested information under section 552.108(a)(1).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'William Walker', with a stylized, flowing script.

William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 119428

Enclosures: Submitted documents

cc: Mr. Rodney Sievert
51 Robins Nest Drive
Lake Dallas, Texas 75065
(w/o enclosures)